FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Civil Application No. 14 of 2006

in

F.C.A. No. 5 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar' orders. Court' or Judge' orders

Mr. Hakim Salim A.R. for Applicant.

Mr. A. A. Bore for respondent .

CORAM: R.M.S. KHANDEPARKAR

&

SMT. R.S. DALVI JJ.

DATE:07/03/2006

P.C.:

Heard learned advocate for the applicant. Perused the application. Learned Advocate for the applicant states that the applicant was prevented from producing the medical evidence regarding the operation in the course of recording of evidence before the Family Court. Though there are bare allegations to be found in the memo of appeal no documents in that regard has been produced at the time of filing of the appeal. In the course of argument the appellant has sought to produce certain documents. The question of considering those documents in the manner they are produced does

not arise. If the appellant wants to rely upon any further evidence in appeal the appellant will have to make necessary application in that regard. In case the appellant files an application for production of further evidence at the appellate stage nothing would prevent the appellant in filing a fresh application for grant of interim maintenance. Till then the question of considering the various allegations of cruelty and directing the respondent to pay maintenance and that too when the respondent is ready and willing to take back the appellant at the matrimonial house, does not arise. In case such an application if filed, the same would be determined in accordance with the provisions of law. From the facts disclosed from record the question of grant of interim maintenance does not arise. Hence the application is rejected.

(SMT. R.S. DALVI J.) (R.M.S.KHANDEPARKAR J)